



STATE OF ILLINOIS

ADLAI E. STEVENSON, GOVERNOR

**MERIT SYSTEM COUNCIL**

812 MYERS BUILDING

SPRINGFIELD

February 6, 1952

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SUPERVISOR

REVISION OF LAW AND RULES  
OF MERIT SYSTEM COUNCIL

The 67th General Assembly amended the part of the Public Assistance Code of Illinois that pertains to the Merit System Council. (Colored copies enclosed to replace page 3, and page 4 to be added in the front part of the copy of Rules, which became effective September 20, 1950.

The Council, on December 13, 1951, approved a revision of Rule VIII (Paragraph 1) and Rule XIII (Paragraph 4). Please substitute the copies of amended rules enclosed for pages 15, 16 and 23 of the Rules which became effective September 20, 1950.



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counties of less than 500,000 population shall be held on a state-wide basis; provided, that the Commission may require that examinations be held for one or more counties whose register or registers of available eligibles are exhausted or insufficient and the condition of the state-wide register does not warrant the holding of an examination on a state-wide basis. It shall be mandatory upon the Illinois Public Aid Commission, when making appointments, to select from county registers composed of the names of eligibles who are legal residents of a county in which an appointment is to be made. If there are no available eligibles on such county register, the Commission may make appointments from the registers of other counties, giving preference, within its discretion, to residents of counties which are contiguous to the county having no available eligibles, or from an appropriate state-wide register. Except as otherwise herein provided, appointments from such registers shall be made from among the names of the three persons having the highest rating upon such competitive examination.

There is created in each such county an advisory board consisting of the county judge of the county, who shall be the chairman thereof, and two persons appointed by the county board of supervisors or commissioners, as the case may be. It shall be the duty of the advisory board in each such county to recommend to the Commission one of the three eligibles certified from the county register, or from other appropriate registers as hereinabove provided, for appointment to a position in the respective county department, but failure of the advisory board to make such a recommendation shall not affect the duty of the Commission in making appointments; provided, that during the 90 day period following the date of certification the Commission shall make no such appointment without a recommendation of the advisory board. The members of the advisory board shall also serve ex officio as members of the county welfare services committee created in accordance with Section 2-2 (h) of this Code.

Section 3-7. Employees--Transfer from Civil Service.) All persons who may now or hereafter be employed by the Commission in any such county, who have been certified from an appropriate register established by the State Civil Service Commission and have successfully completed their probationary periods may be classified under this Article and be given status under the Merit System without further examination, and all persons who are or may be certified from an appropriate register established by the State Civil Service Commission and who are serving a probationary period may be classified under this Article and be given status under the Merit System without further examination, subject to the satisfactory completion of such probationary period.

All persons who may now or hereafter be employed in any County Department of Welfare in counties having a population of 500,000 inhabitants or more who have a permanent or probationary status under the terms and provisions of the law in relation to Civil Service in such



counties and whose salaries are paid to the county by the Illinois Public Aid Commission from state funds appropriated or made available for such purpose under the provisions of Section 3-10 of this Code, shall be permitted to transfer their employment to a position under the Merit System under the provision of Sections 3-5 and 3-6 of this Code having duties and responsibilities comparable or substantially similar to their positions in such County Department, without further examination, and thereupon shall have the same status under the Merit System as they had in the Civil Service of such county. Transfer of employment under this amendatory Act may be made only at the request of the employee or with his written consent, and refusal to accept such transfer shall not impair said employee's civil service status or his employment.

The enactment of this Code shall not impair the Merit System Status of persons employed in the County Departments on the effective date thereof.

Section 3-8. Judicial Review of Administrative Decision.) The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit System Council hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act."



Sub-paragraph 5. If, in the exercise of his choice, provided under Paragraph 1 of Rule VIII, the appointing authority passes over the name of an eligible on a register in connection with three separate appointments he has made from the register, written request may be made of the Council that the name of such eligible be omitted from any subsequent certification. The name of such eligible shall thereafter not be certified to him from that register for future vacancies in the class, and shall be stricken from the register.

Sub-paragraph 6. An eligible may be considered not available by the Council if he fails to reply to a written inquiry after 5 days in addition to the time required for the transmission of the inquiry to his last-known address and reply thereto, or if he fails to reply to a telegraphic communication within 48 hours.

### RULE VIII -- APPOINTMENTS

#### Paragraph 1.--Certified Appointments

Sub-paragraph 1. Upon receipt of a certification of eligibles to fill a vacancy the appointing authority shall transmit the certification of eligibles to the Advisory Board. After considering the qualifications of the eligibles submitted by the Council, the Board shall promptly recommend in writing to the appointing authority which one of the three eligibles so certified shall be appointed. The appointing authority after receiving and considering the recommendations of the Advisory Board shall select and appoint one of the three certified eligibles for the vacancy for which the original request was made.

In case of multiple certification of eligibles where more than one position in a county is involved, as set forth in Sub-paragraph 2, Paragraph 2, of Rule VII, the appointing authority shall transmit such certification of eligibles to the Advisory Board. The Advisory Board shall, after considering the qualifications of the eligibles, submit its recommendations in writing to the appointing authority as to which one of the certified eligibles should be appointed; the appointing authority, after receiving and considering the recommendations of the Advisory Board, shall fill the first vacancy by the selection of one of the three highest eligibles so certified; he shall fill the second succeeding vacancy in like manner by selecting in turn from the three highest remaining names, including the two names which were certified but not selected in the first selection; and so on in like manner until all of the vacancies to which the certification applies shall be filled.

If, however, after receiving the certification of eligibles the Advisory Board fails to make recommendations to the appointing authority within 90 days from the date of the certification, the appointing authority shall assume that the Advisory Board does not wish to exercise its recommendatory power and shall, forthwith, make the selection. In the case that the appointing authority has duly received the recommendations of the Advisory Board, but for



reasons of proper and efficient administration, does not desire to take its recommendations, he shall before making the selection, submit to the Advisory Board, in writing, the reasons for not following its recommendations.

The Advisory Board shall promptly return the certification, all application blanks, and other records to the appointing authority, who shall, in turn, return all such material to the Council. The appointing authority shall report to the Council on an appropriate form all actions taken with respect to the eligibles certified and shall submit an appointment report for the eligibles selected for appointments.

Sub-paragraph 2. All appointments to positions in the County Departments exclusive of exempt positions shall be made in accordance with these rules. Selections shall be made for each position from the three highest available names on the certificate submitted by the Council in accordance with Rule VII, exclusive of the names of those persons who failed to answer or who declined appointments or of those names to whom the appointing authority offers an objection in writing based on Rule V, Paragraph 4, which objection is sustained by the Council.

Sub-paragraph 3. If the eligible selected declines the appointment, evidence of declination and other such data shall be transmitted to the Council for permanent record. An eligible may be considered by the Council as having declined appointment if he fails to reply after 5 days in addition to time allowed for transmission of letter and return of reply, or to a telegraphic communication within 48 hours. If an eligible accepts an appointment and fails to present himself for duty at the time and place specified, without giving reasons for the delay satisfactory to the appointing authority and the Council, he shall be deemed to have declined appointment.

#### Paragraph 2.--Provisional Appointments

If, in the opinion of the appointing authority, there are urgent reasons for filling a position and there are no eligibles on a register established as a result of an examination for the position, and no appropriate promotional register or other appropriate register exists, the Personnel Officer may submit to the Council the name of a person to fill the position pending examination and establishment of a register. If such person's qualifications have been certified by the Council as meeting the minimum qualifications as to training and experience for the position, such person may be provisionally appointed to fill the existing vacancy until an appropriate register is established and appointment made therefrom. No provisional appointment shall be made until the position has been classified and minimum qualifications established therefor in accordance with these Rules. No provisional appointment shall be continued for more than thirty days after an appropriate register has been



Paragraph 4.--Procedure in Dismissals or Demotions

Sub-paragraph 1. In the case of dismissal or demotion of a permanent employee who feels that the action taken is not justified he may appeal to the Council not later than thirty days after the effective date of the dismissal or demotion. Such appeal shall be in writing and shall be transmitted to the Council who shall conduct a hearing or may designate a person or persons to conduct such hearing within thirty days. The employee shall be entitled to call witnesses in his own defense and to have the aid of counsel.

Sub-paragraph 2. The findings and decision when approved by the Council shall be transmitted to the appointing authority and the employee within ten days after the hearing. The decision as approved by the Council shall be executed by the appointing authority.

RULE XIV -- ATTENDANCE AND LEAVE

Paragraph 1.--Attendance and Vacation

The Illinois Public Aid Commission shall adopt regulations covering attendance and vacation, which shall be approved by the Council and shall then become effective. Changes in these regulations shall also be approved by the Council.

Paragraph 2.--Leaves of Absence

Sub-paragraph 1. Subject to the approval of the Council, leaves of absence without pay shall be granted to probationary or permanent employees by the agency for such periods as they are engaged in the military or naval services of the United States, either in time of war, or when in the judgment of the Council a national emergency exists, with the right to return to former position provided the employee makes application for reinstatement within 90 days from the date of his or her honorable discharge from the military or naval service.

Sub-paragraph 2. Subject to the approval of the Council, leaves of absence without pay, but with the right to return to former position may be granted to probationary or permanent employees by the agency:

- (a) For other employment in a County Department, or under the State civil service system;
- (b) For some physical disability;
- (c) For some special reason other than the foregoing, which in the judgment of the Council is sufficient to constitute good reason for granting leave of absence.



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